

REMARKS

This Amendment is fully responsive to the non-final Office Action dated March 3, 2009, issued in connection with the above-identified application. Claims 48-52 are pending in the present application. With this Amendment, claims 49 and 52 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration of the present application is respectfully requested.

In the Office Action, the Examiner indicates that claims 48, 50 and 51 are allowable. No amendments have been made to claims 48, 50 and 51. Accordingly, claims 48, 50 and 51 should remain allowable.

In the Office Action, claims 49 and 52 have been rejected under 35 U.S.C. 102(b) as being anticipated Ginter (U.S. Patent No. 5,910,987, hereafter “Ginter”). The Applicants have amended independent claims 49 and 52 to help further distinguish the present invention from the cited prior art. In particular, independent claims 49 and 52 have been amended to include allowable features of independent claim 48. For example, claim 49 (as amended) recites *inter alia* the following features:

“...a rights information sending unit operable to specify rights information according to one of (i) purchase requesting information received by the communication terminal device, the purchase request information requesting purchase of one of an un-circulated content which has not yet been circulated and a circulated content which has been circulated and (ii) the copyright management information that is specified based on a rule registration request indicating a usage rule of the one of the un-circulated content and the circulated content, and send the specified rights information to a predetermined communication terminal device; ...and

the updating is performed by updating the payment information in the memory unit regarding the one of the un-circulated content and the circulated content for which the rule registration request is sent, from the information indicating that the rights are not purchased, to the payment amount for each of the rights, when the rule registration request is received from the communication terminal device.” (Emphasis added).

The features emphasized above in independent claim 49 are similarly recited in independent claim 52. Specifically, independent claim 52 is a corresponding method that

includes steps directed to the features of the device of claim 49. The features emphasized above in independent claim 49 (and similarly recited in independent claim 52) are believed to be fully supported by the Applicants' disclosure.

As noted above, independent claims 49 and 52 have been amended to include features of allowable claim 48. More specifically, independent claims 49 and 52 have been amended to point out that the distribution management device (or method) specifies rights information according to one of (i) purchase requesting information received by the communication terminal device, the purchase request information requesting purchase of one of an un-circulated content which has not yet been circulated and a circulated content which has been circulated; and (ii) copyright management information that is specified based on a rule registration request indicating a usage rule of one of the un-circulated content and the circulated content.

Moreover, independent claims 49 and 52 have been amended to point out that the distribution management device (or method) updates the payment information in the memory unit regarding one of the un-circulated content and the circulated content for which the rule registration request is sent, when the rule registration request is received from a communication terminal device.

In the Office Action, the Examiner relies on Ginter for disclosing or suggesting all the features recited in independent claims 49 and 52. However, the Applicants assert that Ginter fails to disclose or suggest all the features of the distribution management device and method now recited respectively in independent claims 49 and 52 (as amended).

In particular, Ginter fails to disclose or suggest a distribution management device or method that performs the following features:

- 1) specifies rights information according to one of (i) purchase requesting information received by the communication terminal device, the purchase request information requesting purchase of one of an un-circulated content which has not yet been circulated and a circulated content which has been circulated; and (ii) copyright management information that is specified based on a rule registration request indicating a usage rule of the one of the un-circulated content and the circulated content, and sends the specified rights information to a predetermined communication

- terminal device; and
- 2) updates the payment information in a memory unit regarding one of the un-circulated content and the circulated content for which a rule registration request is sent, from the information indicating that the rights are not purchased, to the payment amount for each of the rights, when the rule registration request is received from the communication terminal device.

As noted above, independent claims 49 and 52 have been amended to include allowable features of independent claims 48. Therefore, independent claims 49 and 52 (as amended) are not believed to be anticipated or rendered obvious by Ginter.

In light of the above, the Applicants respectfully request that the Examiner withdraw the rejection in the outstanding Office Action and pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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